

AUG - 5 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Preparation for International) IC Docket No. 94-31
Telecommunication Union World)
Radiocommunication Conferences)

To: The Commission

REPLY COMMENTS
OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED
IN RESPONSE TO NOTICE OF INQUIRY

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SUMMARY

The American Radio Relay League, Incorporated ("the League"), the national non-profit association of amateur radio operators in the United States, hereby respectfully submits its reply comments in this proceeding, pursuant to the Commission's Notice of Inquiry ("the Notice") FCC 94-96, 9 FCC Rcd. 2430 (1994). The Notice concerns preparation for ITU World Radiocommunication Conferences beginning with WRC-95, now scheduled to convene in November of 1995.

The comments in this proceeding represent a wide range of interests, few of which are at variance with the interests of the Amateur Service.

The League urges that the issue of 7 MHz realignment, and modification of amateur or broadcasting allocations at 7 MHz, not be considered prior to the WRC in 2001, in order to permit the necessary migration of fixed and mobile services to higher frequencies. This would permit the much-needed alignment a chance to succeed at a later conference.

Nor should an MSS allocation at 2300-2310 MHz, or 2390-2420 MHz be considered internationally, due to the absolute obligation established by Congress in the Omnibus Budget Reconciliation Act to protect existing amateur radio communications in those segments in connection with the possible reallocation of those segments from Government to non-Government use. Other bands should be considered instead. In any event, the matter is not ripe for any consideration at WRC-97 or WRC-99.

The Report of the VGE, being a non-substantive work, and which provides useful simplifications for the Radio Regulations, should be considered at WRC-95, and not deferred, as some commenters suggest, in favor of other issues.

Finally, the WRC-99 agenda should include consideration of an International Amateur Radio Permit, to permit operation by radio amateurs licensed by their home country during temporary visits to countries other than their country of residence.

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I. Introduction

1. The comments in this proceeding represent a wide range of interests, few of which are at variance with the interests of the Amateur Service. A few comments, however, bear response, and the League wishes to reemphasize certain points made in its own comments, filed July 15, 1994.

II. 7 MHz Issues

2. The League first notes the comments of several international broadcast licensees, filed on a consolidated basis by George Jacobs & Associates, Inc. (Jacobs). The Jacobs comments contain a restatement of an argument earlier made on behalf of international broadcasters with respect to the allocation for broadcasting at 7 MHz. Specifically, Jacobs states as follows:

At WARC-92 a proposal to realign the band allocated to the ... Amateur Service presently beginning at 7,000 kHz was not adopted. This proposal would have divided the allocation between 7,000 and 7,300 kHz, which is presently shared between the Broadcasting Service in Regions 1 and 3, and the Amateur Service in Region 2, into two exclusive world-wide allocations; 7,000 to 7,200 kHz for amateurs and 7,200 to 7,300 kHz for broadcasting. The Amateur Service would have been allocated an additional exclusive 100 kHz between 6,900 and 7,000 kHz, and broadcasting an additional exclusive allocation between 7,300 and 7,525 kHz. Both the Amateur Service and the H.F. Broadcasting Service would have benefitted considerably from the adoption of such a proposal, since WARC-79 made no additional allocations to broadcasting in this critical range. Since such a proposal would benefit two services, and increase the possibilities for developing a successful broadcast planning procedure, it is another item justifying consideration at WRC-95.

(Jacobs Comments, at 7)

3. Jacobs is correct with respect to the ultimate need for realignment of the 7 MHz band, at least relative to amateur use thereof, but the timing of Jacobs' proposal stands inevitably to

defeat the ultimate goal. As the League noted in comments in Docket 93-198, in preparation for the 1993 WRC, Recommendation 718 (WARC-92), concerning "Alignment of Allocations in the 7 MHz Band Allocated to the Amateur Service", recommends:

that a future competent world administrative radio conference should consider the possibility of aligning the allocations to the amateur service around 7 MHz, with due regard to the requirements of other services...

Resolution 641 (Rev. HFBC-87), concerning use of the frequency band 7000-7100 kHz, is related inextricably to Recommendation 718. Successful achievement of a worldwide alignment of a 300 kHz wide band for the amateur service at 7 MHz² will require some modification to the allocations of the other services above and below the band, particularly the fixed, land mobile and broadcasting services. Although the issue was discussed at WARC-92, the discussion made it clear that the time was not propitious to realign the bands around 7 MHz. Some developing countries asserted that fixed and land mobile operations in the vicinity of 7 MHz were still essential to their domestic communications infrastructures. Developed countries with extensive HF broadcasting facilities

² This is the minimum required worldwide exclusive allocation recommended by the International Amateur Radio Union, as was more fully discussed in a July, 1990 statement of spectrum requirements of the Amateur and Amateur-Satellite Services, prepared by the IARU Administrative Council. It is also consistent with the "United States Proposals for the 1992 World Administrative Radio Conference for Dealing With Frequency Allocations in Certain Parts of the Spectrum" (Department of State, July, 1991, at 2). The League presented this same issue to the National Telecommunications and Information Administration in response to its present and future spectrum needs inquiry, Docket 920532-2132, in comments filed November 6, 1992. A copy of those NTIA comments was attached to the League's comments in the instant proceeding.

expressed considerable interest in delivery of these services by satellite, but regarded the surrender of HF operation as premature.

4. It is apparent that the migration of fixed, mobile, and broadcasting services from HF to much higher frequencies, so as to permit satellite delivery of those services, will continue.³ That transition is not, however, rapid enough that those users would be willing to vacate spectrum around 7 MHz until some time after WRC-99. The League had originally suggested that the issue might be proper for consideration at WRC-99, but it now appears that it should be deferred until the WRC in 2001. The issue is indeed, as Jacobs contends, important to radio amateurs in the United States and worldwide. It should be maintained as a current issue for consideration, but a possible 7 MHz realignment should be reserved for a conference after WRC-99 competent to consider other HF allocations when sufficient time has passed for it to be permitted to succeed.

5. In any event, Jacobs' proposal with respect to the 7 MHz broadcasting allocation is premature. The comments of the National Association of Shortwave Broadcasters (NASB) seem to reflect the

³ Recommendation No. 519 (WARC-92) noted that the new extension bands for HF broadcasting are reserved for reduced carrier SSB emissions only, and recommended that the 31 December 2015 date for cessation of DSB emissions be advanced considerably, as SSB receivers become available. As this more efficient use of the spectrum develops for HF broadcasting (which amateurs have used for many years) more HF broadcasting stations will install SSB transmission equipment. As more SSB program sources develop, more SSB receivers will be utilized. These developing efficiencies in HF broadcasting over the next few years will provide a good basis for 7 MHz realignment, and make a 2001 timetable for addressing 7 MHz realignment realistic.

same impatience, noting that HFBC spectrum utilization provisions "should be considered at the earliest possible WRC, at the latest, WRC-97".⁴ It is unclear whether the 7 MHz issue is among those which NASB seeks to have addressed at WRC-97, but the issue of 7 MHz realignment should not, in the best interests of both broadcasting and amateur radio, be raised prior to the WRC in 2001.

III. MSS Comments

6. The comments of Loral/Qualcomm Partnership, L.P. make certain recommendations for additional allocations for MSS, including the allocation, on a worldwide basis, of the 2300-2310 MHz band in the space-to-Earth direction, and 2390-2400 MHz in the Earth-to-space direction, for MSS, to provide additional spectrum for MSS operations. This suggestion was not supported by other comments. For example, Motorola Satellite Communications, Inc. and Iridium, Inc. stated in their comments that "Motorola's initial reaction is that these particular bands would be extremely difficult to use for MSS service because of the interference that MSS systems operating in these bands would receive from ISM operations in the overlapping band from 2400-2500 MHz (including, with respect to the band 2390-2400, out-of-band ISM interference)." Motorola suggested other bands for possible MSS use, including 1670-1675 MHz and 1710-1755 MHz; 1390-1400 MHz and 3650-3700 MHz, and as well 2300-2310 MHz. The conclusion that Motorola drew was that further study is needed before it can be determined whether those bands are, in fact, usable for MSS.

⁴ NASB Comments, at 4.

7. The Commission has specifically asked whether the United States should again pursue an international MSS allocation in the 2390-2420 MHz band, which it did (unsuccessfully) at WARC-92 for GSO-MSS systems. NTIA has identified this segment as being available in the United States for non-Government use. The Commission has issued a Notice of Inquiry in ET Docket 94-32, which asked for comment on domestic uses of the 2390-2400 and 2402-2417 MHz bands, within the constraints established by the Omnibus Budget Reconciliation Act of 1993,⁵ Pub. L. 103-66, Title VI, 107 Stat. 312. The comments received reflect the general view that there is no utility of these segments (the 2400-2402 MHz segment was not proposed for reallocation from Government to non-Government use; that segment will in any case continue to be used by Government and amateur stations, and will not be available domestically for MSS

⁵ See, 47 U.S.C. §923. The Act specifies that, in identifying the frequencies for reallocation, the Secretary of Commerce shall seek to avoid three adverse results: (i) serious degradation of Federal Government services and operations; (ii) excessive costs to the Federal Government and users of Federal Government services; and (iii) excessive disruption of existing use of Federal Government frequencies by amateur radio licensees. The Act specifies that the Secretary shall consider, in analyzing the benefits from a particular reallocation, "the extent to which, in general, commercial users could share the frequency with amateur radio licensees..."

Finally, as one of the five grounds for substitution or withdrawal of proposed reallocation frequencies, the Act lists the circumstances in which the reassignment will disrupt the existing use of a Federal Government band of frequencies by amateur radio licensees. These three sections of the Act make it clear that particular care must be taken in the reallocation or redeployment of Government bands that are shared with the Amateur Radio Services, and that the intent of Congress was to avoid any commercial use of the bands which amateurs have shared with Government users by non-government stations that will have the effect of disrupting existing amateur operation.

operation). The existing ISM, amateur and Part 15 uses make the band undesirable for MSS or other non-government uses domestically.

8. Furthermore, as is set forth in more detail in ET Docket 94-32, the Amateur Service and Amateur-Satellite Service each have significant need for continued operation at 2300-2310 MHz and 2390-2450 MHz. It is the policy of the United States, as set forth in the Omnibus Budget Reconciliation Act, that existing amateur operations in the bands proposed by NTIA for reallocation not be disrupted, as would be the case if MSS operation were to commence in the 2300-2310 or 2390-2420 MHz bands. Accordingly, MSS operation in those segments specifically should not be an agenda item for either the WRC-97 or WRC-99 conferences.

IV. VGE Report

9. The Comments in this proceeding did not seriously question the Report of the Voluntary Group of Experts. The League has had an opportunity to review the report, and supports it insofar as the changes proposed to the ITU Radio Regulations apply to the Amateur and Amateur-Satellite Services. Several comments sought to defer consideration of the VGE report until WRC-97, to permit sufficient time for administrations to review the proposed revisions, and to permit focus at WRC-95 on other subjects. The League does not necessarily agree that the recommendations of the VGE need await WRC-97, at least to the degree that the changes are non-substantive. It would appear useful to consider the VGE report in toto at WRC-95, as planned.

V. International Amateur Radio Permit

10. The League, in ET Docket 93-198, which sought comments on the United States' preparation for WRC-93 and identification of issues for inclusion on the agendas of WRC-95 and WRC-97 and the United States' positions thereon, discussed at some length the need for an international amateur radio permit (IARP). It was requested as an agenda item for the WRC-97 agenda. The concept was an international "roaming" amateur license, by means of which United States' amateur licensees could travel to other countries, and other countries' amateurs could travel to the United States, and operate amateur stations based on a combination of the amateur license of the visitor's home country and an endorsement based on an international licensing agreement. The United States has entered into ad-hoc bilateral agreements which permit such operation, and the statutory basis for entry by the United States into multilateral agreements is in place at 47 U.S.C. §310(c).

11. The International Amateur Radio Union (IARU) has been promoting the concept within ITU Region 2 as a starting point, and the existing European Conference of Postal and Telecommunications Administrations (CEPT) Recommendation T/R 61-01, known as the CEPT Common License, provides a good basis for the IARP in Region 1. Another interim opportunity is a similar common amateur license for the Americas, which was supported in Inter-American Telecommunications Conference, now Commission, (CITEL) Resolution No. 6 (II-93). Copies of relevant documents were submitted to the Commission in the League's comments in Docket 93-198. The IARU,

having commenced arrangements within Region 2 for an IARP, continues to urge the inclusion in the agenda for WRC-99 the issue of an international amateur radio permit. The same will relieve administrations, including the United States, of unnecessary paperwork burdens, and promote the international goodwill that is an inherent element of amateur radio.

VI. Conclusions

12. The League urges that the issue of 7 MHz realignment, and modification of amateur or broadcasting allocations at 7 MHz, not be considered prior to the WRC in 2001, to permit the necessary migration of fixed and mobile services to higher frequencies, thus to permit the much-needed alignment a chance to succeed at a later conference. Nor should an MSS allocation at 2300-2310 MHz, or 2390-2420 MHz be considered internationally, due to the absolute obligation established by Congress in the Omnibus Budget Reconciliation Act to protect existing amateur radio communications in those segments in connection with the possible reallocation of those segments from Government to non-Government use. Rather, as Motorola states, other bands should be considered instead. In any event, the matter is not ripe for any consideration at WRC-97 or WRC-99.

13. The Report of the VGE, being a non-substantive work, and which provides useful simplifications for the Radio Regulations, should be considered at WRC-95, and not deferred, as some commenters suggest, in favor of other issues. Finally, the WRC-99 agenda should include consideration of an International Amateur

Radio Permit, to permit operation by radio amateurs licensed by their home country during temporary visits to countries other than their country of residence.

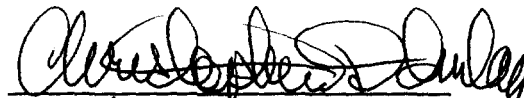
Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission consider its previously filed comments, and the foregoing reply comments, ion structuring proposed agendas and issues for the 1997 and 1999 WRC Conferences.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager in the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED were mailed first class, postage prepaid, this 5th day of August, 1994, to the following:

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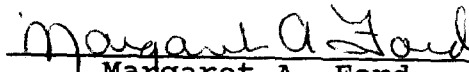
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